



City of NORFOLK

C: Dir., Department of Planning and Community Development

To the Honorable Council
City of Norfolk, Virginia

February 11, 2014

From: George M. Homewood, AICP, CFM
Acting Planning Director

Subject: Zoning Text Amendment to
Chapter 11 Section 33, Five Points
Pedestrian Commercial Overlay
District (PCO-5 PTS) to allow
Pawnshops by Special Exception.

Reviewed: Ronald H. Williams, Jr., Assistant City
Manager

Ward/Superward: 3/7

Approved:

Marcus D. Jones,
City Manager

Item Number:

PH-8

I. **Recommendation:** Approval

II. **Applicant:** City Planning Commission

III. **Description**

This agenda item for a Text Amendment would allow Pawnshops within the PCO-5 PTS by Special Exception.

IV. **Analysis**

- The PCO-5 PTS covers the commercially zoned properties within the Five Points area of Norview, along Chesapeake Boulevard and Sewell's Point Road.
- The uses that are permitted in the district are those that encourage pedestrian oriented commercial activities.
- The amendment proposes to allow Pawnshops, which are currently prohibited in the district, by Special Exception
- Pawnshops could create additional pedestrian traffic along the corridor and benefit existing commercial businesses in the district.

V. **Financial Impact**

- The proposed amendment would permit a use in the PCO-5 PTS that is not currently permitted.
- The additional use, if approved, could stimulate additional investment in the corridor, and add to the City's tax roll.

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VI. Environmental

- There is an established, nonconforming Pawnshop within the Five Points PCO, this text amendment would make the use conforming if a Special Exception is obtained.

VII. Community Outreach/Notification

- Legal notification was placed in *The Virginian-Pilot* on June 13 and 20.
- Letters were sent to the Norview and Norview Heights Civic League Presidents on May 31.
- Letter was sent to the Five Points Partnership President on May 31.
- Subsequent to the Planning Commission hearing, the Norview Task Force held three meetings to discuss the proposal.
 - At the Norview Task Force meeting on September 25th, the community announced support for the text amendment allowing Pawn Shops within the Five Points PCO.

VIII. Board/Commission

By a vote of **5 to 1**, the Planning Commission recommended that the text amendment be **denied**.

- Majority voted for denial based on community opposition
- Minority voted for approval based on recommendation of staff

IX. Coordination/Outreach

This request has been coordinated with the Department of Planning and Community Development and the City Attorney's Office.

Supporting Material from the Department of Planning and Community Development:

- Proponents and Opponents
- Ordinance
- Five Points PCO Aerial Map
- Five Points PCO Zoning Map
- Letters to Norview and Norview Heights Civic Leagues
- Letter to the Five Points Partnership
- Letter of Support from Norview Civic League
- Letter of Opposition from Five Points Partnership
- Letter of Opposition from Estabrook Civic League
- Letter of Opposition from Norview Heights Civic League
- Letter of Opposition from resident of Estabrook
- Minutes from September 25th, 2013 Norview Task Force Meeting

TABLE 11-33.2: TABLE OF PRINCIPAL USES FOR PCO FIVE POINTS

USE	P = Permitted Use S = Special Exception Use
RESIDENTIAL	
Dwelling unit, above ground floor only	S
OFFICE AND RELATED USES	
Financial Institution	S
Office	P
RETAIL SALES AND SERVICES	
Automobile Repair	S
Commercial Drive-through	S
Eating and Drinking Establishment	S
Eating Establishment	P
Entertainment Establishment	S
Gas Station (sales only)	S
Gas Station (sales and minor repair)	S
Health and Fitness Facility	P
<u>Pawnshop</u>	<u>S</u>
Plant and Garden Shop	P
Retail Goods Establishment	P
Retail Services Establishment	P
Retail Goods Establishment (operating after midnight)	S
Retail Services Establishment (operating after midnight)	S
INSTITUTIONAL USES	
Adult Day Care Center	P
Child Day Care Center	P
Dental Office/Clinic	P
Financial Institution	P
Government Building	P
Medical Office/Clinic	P

RECREATIONAL, CULTURAL, ENTERTAINMENT	
Art Gallery	P
Art Studio	P
Dance Studio	P
Movie Theater	P
Museum	P
Music Conservatory	P
MISCELLANEOUS	
Commercial Parking Garage (with ground floor commercial uses)	S
Farmers' Market	P
Off-Site Parking	S
Photofinishing Lab	P
Veterinary Office/Clinic	S

Proponents and Opponents

Proponents

None

Opponents

Bev Sell (Five Points Partnership President)
3424 Chesapeake Boulevard
Norfolk, VA 23513

Annabelle Eversole (Norview Heights Civic League Representative)
4635 Bankhead Avenue
Norfolk, VA 23513

William D. Jackson (Estabrook Civic League Representative)
3709 Buckingham Street
Norfolk, VA 23513

6/28/13 tsv
Form and Correctness Approval: *WR*

Contents Approved:

By *[Signature]*
Office of the City Attorney

By *[Signature]*
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

PH-8

AN ORDINANCE TO AMEND AND REORDAIN TABLE 11-33-A OF THE ZONING ORDINANCE OF THE CITY OF NORFOLK, 1992, IN ORDER TO ALLOW PAWNSHOP BY SPECIAL EXCEPTION IN THE FIVE POINTS PEDESTRIAN COMMERCIAL OVERLAY (PCO-5 PTS) DISTRICT.

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1: - That Table 11-33-A of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Table of Land Uses," is hereby amended and reordained so as to allow "Pawnshop" by special exception in the Five Points Pedestrian Commercial Overlay (PCO-5 PTS) District. The table shall read as set forth in "Exhibit A," attached hereto.

Section 2:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT:

Exhibit A (2 pages)

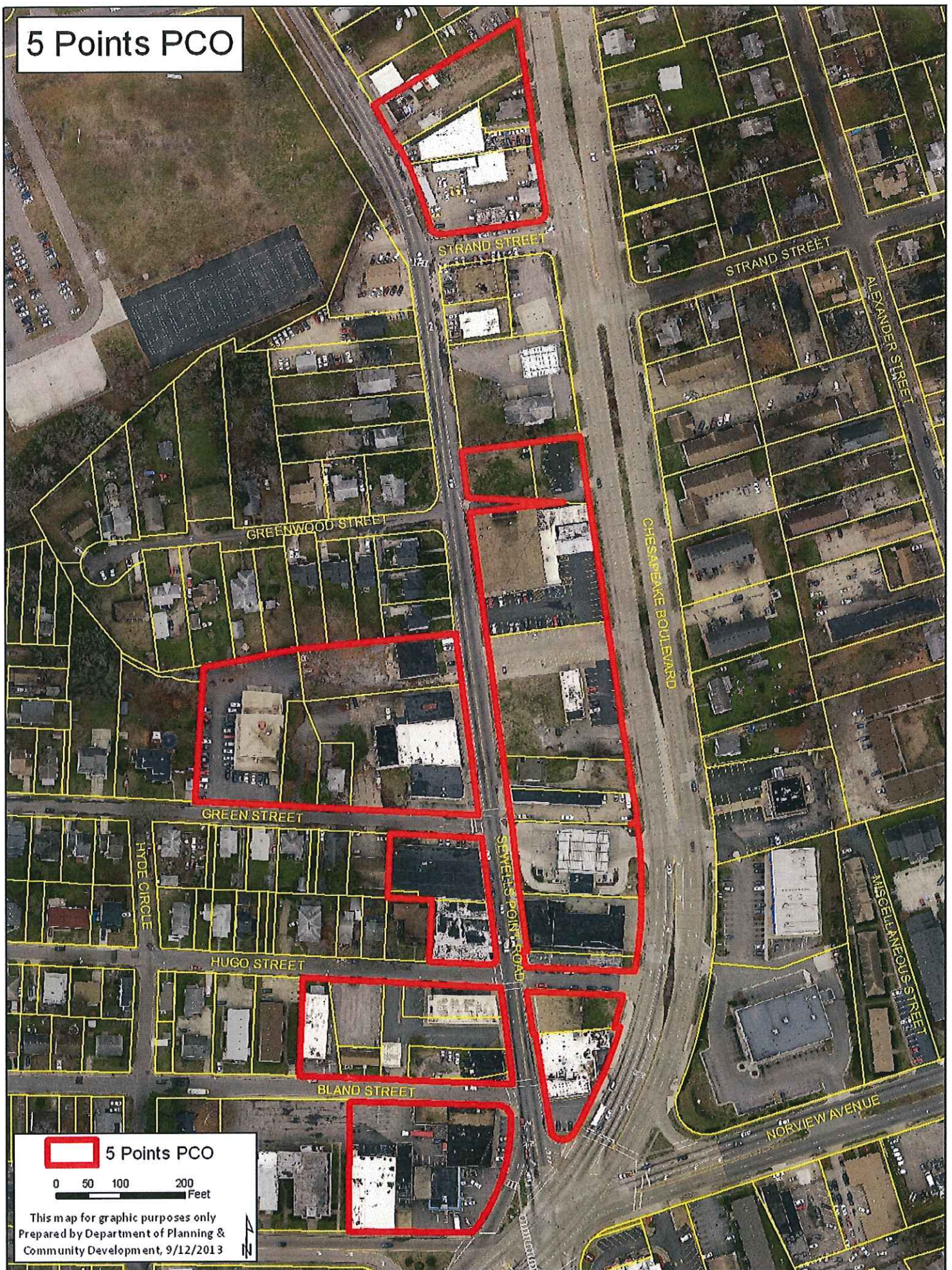
EXHIBIT A

PCO-5 PTS DISTRICT
TABLE 11-33-A — TABLE OF LAND USES

LAND USE	DISTRICT	COMMENTS
P = Permitted Use S = Special Exception Use	PCO-5 PTS	
RESIDENTIAL USES		
Mixed Uses	S	
OFFICE USES		
Office	P	
Office, Veterinary	S	
Office/Clinic, Medical	P	
COMMERCIAL USES		
Antique Store	P	
Art Gallery	P	
Automobile and Truck Repair	S	Subject to the requirements of § 25-10.3 Automobile repair and gas station
Commercial Drive-Through	S	Subject to the requirements of § 25-10.8 Commercial drive-through facility
Convenience Store, 24-Hours	S	
Convenience Store, 24-Hours (with fuel sales)	S	Subject to the requirements of §25-10.3, Automobile repair and gas station. Subject to the requirements of §13-6.6 Motor fuel pumps, islands and curbs.
Eating Establishment	P	
Eating and Drinking Establishment	S	Subject to the requirements of § 25-10.1 Adult uses
Entertainment Establishment	S	Subject to the requirements of § 25-10.1 Adult uses. If Dance Floor is Requested, may be Subject to City Code § 5 – Article II
Farmer's Market	P	
Financial Institution	P	
Gas Station	S	Subject to the requirements of § 25-10.3 Automobile repair and gas station. Subject to the requirements of §13-6.6 Motor fuel pumps, islands and curbs.

LAND USE	DISTRICT	COMMENTS
P = Permitted Use S = Special Exception Use	PCO-5 PTS	
Health and Fitness Facility	P	
Parking Facility	p	Garage requires ground floor commercial uses
Pawnshop	S	
Retail Goods Establishment	P	
Retail Goods Establishment (operating after midnight)	S	
Retail Services Establishment	P	
Retail Services Establishment (operating after midnight)	S	
Studio, Arts	P	
Studio, Dance	P	
Theater	P	
PUBLIC AND CIVIC USES		
Day Care Center, Adult	P	
Day Care Center, Child	P	Subject to the requirements of § 25-10.2 Day care centers
Governmental Operations (non-industrial)	P	
Museum	P	
Park	P	
Utility Facility	P	

5 Points PCO



5 Points PCO



5 Points PCO



Pawnshop

0 75 150 300 feet

This map for graphic purposes only
Prepared by Department of Planning &
Community Development, September 2013



May 31, 2013

Norview Civic League
John Randle, President
1095 Green Street
Norfolk, VA 23513

Dear Mr. Randle:

The Planning City Planning Commission has initiated a zoning text amendment affecting properties located in the PCO-5 PTS (Pedestrian Commercial Overlay District – Five Points) district. This item is tentatively scheduled for the June 27, 2013 City Planning Commission public hearing.

Summary

The zoning text amendment would add "Pawnshop" as a permitted use within the PCO-5-PTS zoning district by Special Exception. If approved, a Pawnshop would be able to operate anywhere within the boundaries of PCO-5 PTS by Special Exception. A copy of a zoning map that shows the PCO- 5 PTS zoning district boundaries is attached.

If you would like additional information on the request, you may contact the requestor at (757) 624-3242 or you may telephone Chrishaun Smith at (757) 664-4740. A copy of the complete application is enclosed.

Sincerely,

A handwritten signature in black ink, appearing to be "G. Homewood", followed by a long horizontal line.

George M. Homewood, AICP, CFM
Assistant Planning Director

cc: James Herbst, Neighborhood Development Specialist



May 31, 2013

Norview Heights Civic League
Jerry Hollobaugh, President
4574 Hampshire Avenue
Norfolk, VA 23513

Dear Mr. Hollobaugh:

The Planning City Planning Commission has initiated a zoning text amendment affecting properties located in the PCO-5 PTS (Pedestrian Commercial Overlay District – Five Points) district. This item is tentatively scheduled for the June 27, 2013 City Planning Commission public hearing.

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Sincerely,

George M. Homewood, AICP, CFM
Assistant Planning Director

cc: James Herbst, Neighborhood Development Specialist



May 31, 2013

Five Points Partnership
Bev Sell, President
3610 Henrico Street
Norfolk, VA 23513

Dear Ms. Sell:

The Planning City Planning Commission has initiated a zoning text amendment affecting properties located in the PCO-5 PTS (Pedestrian Commercial Overlay District – Five Points) district. This item is tentatively scheduled for the June 27, 2013 City Planning Commission public hearing.

Summary

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Sincerely,

George M. Homewood, AICP, CFM
Assistant Planning Director

cc: James Herbst, Neighborhood Development Specialist

Norview Civic League
1066 Norview Ave.
Norfolk, VA 23513
April 22, 2013

Josh Loney
Owner/ Operator
Norfolk Pawn Shop
6177 Sewells Point Rd,
Norfolk, VA 23513

Dear Mr. Loney:

On April 9, 2013, the Norview Civic League met for the month of April. A request from The Norfolk Pawn Shop was heard to move the current operating business from 6177 Sewells Point Road, Norfolk Virginia, 23513 to 6145 Sewells Point Road, Norfolk Virginia, 23513. Norview Civic League was presented that

1. Norfolk Pawn Shop has been in business at the current location for 17 years, is a family run business and does not deal with weapons.
2. Norfolk Pawn Shop will do business in the location's lower half and that the top floor will be used as a residence of the Owner/operator.
3. Norfolk Pawn Shop will not allow other tenants to occupy the residence in the upper floor of the building and that the owner and/ or family will be the residents at the new property address.
4. Norfolk Pawn Shop will make all needed renovations to meet the special exception criteria in the 5 Points POC zoning.

Although the members voted by a majority vote of 23 to 1 to allow Josh Loney to move forward with the change of address, it was with the understanding that #1 No other pawn shop be allowed to move into the 5 Points Area, and #2 Owner must Occupy the 2nd floor of the building as his residence.

The Norview Civic League respectfully request that the City Planning Commission to initiate a special exception in the 5 Points P.C.O. that would allow Mr. Josh Loney to move forward, changing the address from 6177 Sewells Point Road, Norfolk Virginia, 23513 to 6145 Sewells Point Road, Norfolk Virginia, 23513. We are excited about the investment Norfolk Pawn Shop is willing to make in the 5 Points Commercial District.

Sincerely,



Kristi Patchen,
Norview Civic League Secretary,
757-287-7812

NORVIEW CIVIC LEAGUE

1066 Norview Ave.
Norfolk, VA 23513
757-575-6805

President - John Randle
Vice President - Vacant
Treasurer- Penny Brower
Secretary-Kristi Patchen

Five Points Partnership, Inc.

3610 Henrico Street
Norfolk, Virginia 23513

June 14, 2013

George M. Homewood, AICP, CFM
Assistant Planning Director
508 City Hall Building
Norfolk, Virginia 23510

Dear Mr. Homewood,

The Five Points Partnership is opposed to amending our P.C.O. to allow the relocation of "Pawn Shops" in our district. Such an exception would weaken the protections for which the Pedestrian Commercial Overlay was created.

It is our understanding that this action may also require the changing of the city code 24-26, to allow relocation of pawn shops throughout the city.

The Five Points Partnership, a coalition of citizens, businesses, churches, schools and public safety services in the Norview area, has endeavored to promote the revitalization of the Five Points neighborhoods. Since 1996, the Partnership has worked improve and create a healthy and safe environment.

Allowing this change to our P.C.O. is not in the best interest of Norview or the surrounding communities. We owe it to our neighbors to protect this fragile business district.

We will be present on June 27 to oppose this request.

Regards,



Bev Sell, Coordinator-Executive Director
Five Points Partnership, Inc. (a 501(c)3 Non Profit)
757-650-1428

General Manager
Five Points Community Farm Market
A project of the Five Points Partnership, Inc.
2500 Church Street
Norfolk, Virginia 23504



Estabrook Civic League

3619 Robin Hood Road
Norfolk, Virginia 23513

June 24, 2013

Mr. Frank Duke
Director of Planning & Community Development
810 Union Street
Norfolk, VA, 23501

Dear Mr. Duke,

I am writing on behalf of the members of the Estabrook Civic League. Our league area covers over 1K homes and is several blocks away from Norview Ave Five-points area. It has come to our attention that the upcoming Council meeting has a land use special exception vote to add Pawnshop to the PCO 5-pts district.

We are vociferously opposed to this. Although there is already a pawn shop on Sewell's Point Road, the proposed change would allow for the relocation of the pawn shop to the best building on the block. We do not think that type of business is the best use of the building. In addition, with the change of the land use exemption to include pawnshop could allow a proliferation of other pawnshops which could be a disaster to an already declining small business area.

Thanks for considering our opposition to, Table 11-33-A – "Table of Land Uses" for PCO-5 PTS (Pedestrian Commercial Overlay – Five Points) district, to add "Pawnshop" as a land use allowed by Special Exception within the PCO 5-PTS district.

Respectfully,

Susan Tweed
President, Estabrook Civic League

To The Planning Commission,

In regards to a request to give a "special exception" to "pawn shops" to set up shop inside the PCO-5-PTS zoning district, as the representative of the community of Norview Heights via the Norview Heights Civic League, I wish to convey that it is the consensus of this neighborhood that the "special exception" be denied.

The wording from the exception indicates that it is not specific to a particular business, but is all-inclusive to any and all pawn shops, which would allow the entire business corridor to be occupied by pawn shops exclusively.

The Five Points Task Force has worked for many years to prevent this very scenario and the Norview Heights Civic League stands with the Five Points PCO plan as it exists.

Sincerely,

Annabelle Eversole

President of Norview Heights Civic League

Good afternoon Mr. Duke and members of the Norfolk City Planning Commission. My name is William D Jackson Sr. I live in the Estabrook section of Norfolk at 3709 Buckingham Street.

I am the Treasurer of the Estabrook Civic League. I am here today to lend the support of the members of my league to the objection of the Five Points Partnership to the proposed change to Table 11-33-A "Table of Land Uses" for Pedestrian Commercial Overlay-Five Points.

This change would add "Pawnshop" to the Table 11-33-A which would allow an existing pawnshop to relocate one block to the empty BB&T Bank building at the corner of Sewell's Point Road and Hugo Street. The Five Points Partnership feels this building is the best building in that area and a pawnshop would not be the best use of the building. The majority of members present at our regular June meeting agreed and voted to support the objection of the Five Points Partnership to the proposed change. We do this because we not only support the small business's in our area we also have great concern for the decline of the small business's in the Five Points Area of Norfolk.

Thank you for your time and attention.



Greater Norview Task Force Special PCO Meeting

MINUTES

Wednesday, September 25, 2013, 6:00 p.m.

Norview Community Center

The following people were present:

Vice Mayor Burfoot	Aaron Grant (East Norview resident)
Margaret Hoots (5 Pts Partnership)	Bev Sell (5 Pts Partnership President)
AnnaBelle Eversole (Norview Heights Civic League President)	Dave Bickford (Divaris/BB&T representative)
Josh Loney (Norfolk Pawn co-owner)	Austin Loney (Norfolk Pawn co-owner)
Carolyn Brown (Wellington Oaks HOA)	Chrishaun Smith (City)
Betty Halman (Norview Civic League)	Kevin Zerbe (5 Pts Partnership)
Pamela Marino (City)	Paul Trahadas (Property owner)
Frank Duke (City)	John Whitelaw (Norview Resident)
Annette Stone (Hershee Bar owner)	Bill Kesling (Norview Heights Civic League)
Penny Brower (Norview Civic League Treasurer)	Jackie Rochelle (Greenwood... Civic League President)
Garnzie West (Coronado Civic League President)	Judy Swystun (Property and Taxi Business owner)
Larry Hoots (Norview Civic League)	Steve Anderson (City)
Dianna Grant (East Norview resident)	Peter Nixon (property and business owner)
Jeff Cooper (Property owner)	Stanley Stein (City)
Jim Herbst (City)	

The meeting was opened by Stanley Stein who welcomed everyone and introduced Steve Anderson, the new Director of Development. He then turned the meeting over to Frank Duke, Director Planning and Community Development.

1. Overview

This meeting was called as a special meeting to continue discussions from the September 11, 2013 task force meeting and to seek resolution regarding changes to the Pedestrian Commercial Overlay (PCO). Mr. Duke outlined the two separate but simultaneous issues.

A. Citywide Updates to PCOs. The Planning Department is approaching all communities in the city with PCOs and asking if there are any desired changes. 35th Street and Riverview

both desire changes. Ghent is giving consideration to the subject. It was acknowledged that few successful businesses have located in the Five Points corridor in the over 15 years since the PCO was put in place. Mr. Duke suggested that a PCO may be better suited when more properties are rented and there are fewer vacancies. PCOs belong to the neighborhood and the neighborhood needs to decide if the PCO is needed/desired. If so, does it want to make any changes?

B. Norfolk Pawn Shop. Separate but occurring during the same period, the owners of Norfolk Pawn approached the Norview Civic League for support in making a text amendment to the PCO to allow pawn shops. This was supported by the Norview Civic League but opposed by other groups when it went to Planning Commission. The community requested more information, and the Planning Department delayed sending it to Council after the July task force meeting until further information could be provided.

2. Questions and Comments

After the brief background and overview, Mr. Duke took questions and comments about both subjects. With community members, business representatives, and five property owners, a productive discussion took place. A summary of topics is below.

- Members asked if there is any way to allow the pawn shop to move without changing the PCO. The answer was no.
- Property owners voiced their difficulty attracting tenants and welcomed changes to or repeal of the PCO.
- A business and others voiced concern about continued vacancy in the former BB&T building.
- Development of the corridor is difficult because of small size of lots. A full remake of the sidewalks is also a challenge because of the narrow road and inability to comply with ADA requirements.
- A downside of repealing the PCO is that it opens the possibility of a business that may not be desired. The standard C-2 zoning and protections, however, will still apply. Special Exceptions still require a public hearing and must be approved by Council.
- City officials and members agreed that no one should expect the repeal of the PCO to yield an instant influx of new investment.
- A representative of the Norview Civic League reaffirmed their support of the pawn shop move.

3. Outcomes

The group consensus was to repeal the Five Points PCO and also to support the move of the pawn shop to the former BB&T building. No one objected. The decisions will rest with Council, but the Planning Department will continue the pawn shop process and initiate the process to repeal the PCO.